

**UNITED STATES DISTRICT COURT**  
for the  
**EASTERN DISTRICT OF WISCONSIN**

*In the Matter of the Search of*

A United States Postal Service Express Mail Parcel # EG233271960US (the SUBJECT PARCEL). The SUBJECT PARCEL is a 11.875" x 3.375" x 13.625" USPS cardboard Express Mail box that weighs 1 lb 7.2 ounces. The parcel bears a handwritten label addressed to "Andre (last name illegible), 5303 Columbia Ave, Richmond, CA 94806" with a return address of "Liven Legends Shirts and Design, 1494 N. Executive Dr., Norfolk, VA 23669" The SUBJECT PARCEL was postmarked on June 4, 2013, at Milwaukee, WI 53211.

Case Number: 13-m-232

**APPLICATION & AFFIDAVIT FOR SEARCH WARRANT**

I, Daniel J. Kakonis, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A United States Postal Service Express Mail Parcel # EG233271960US (the SUBJECT PARCEL). The SUBJECT PARCEL is a 11.875" x 3.375" x 13.625" USPS cardboard Express Mail box that weighs 1 lb 7.2 ounces. The parcel bears a handwritten label addressed to "Andre (last name illegible), 5303 Columbia Ave, Richmond, CA 94806" with a return address of "Liven Legends Shirts and Design, 1494 N. Executive Dr., Norfolk, VA 23669" The SUBJECT PARCEL was postmarked on June 4, 2013, at Milwaukee, WI 53211

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

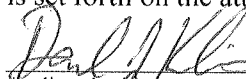
The application is based on these facts:

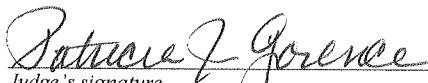
- ☒ Continued on the attached sheet, which is incorporated by reference.
  - ☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_)
- is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date June 5, 2013

City and state: Milwaukee, Wisconsin

  
Applicant's signature  
Name and Title: Daniel J. Kakonis, Postal Inspector

  
Judge's signature  
THE HONORABLE PATRICIA J. GORENCE  
United States Magistrate Judge

## AFFIDAVIT

I, Daniel J. Kakonis, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United State Postal Inspection Service. I have been employed as a Postal Inspector for over 25 years. My primary duties include investigating the transportation of controlled substances or proceeds/payments through the United States Postal Service (USPS). As a Postal Inspector, I have been involved in hundreds of investigations of narcotics trafficking through the United States mail. Based upon my experiences as a federal law enforcement officer, I know that the United States mails are used to deliver controlled substances and payment/proceeds thereof.

2. The information contained in this affidavit is either the result of personal observations and investigation, the review of law enforcement files or records, postal records, or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. I have not included in this affidavit each and every fact known to me regarding this investigation, but only those relating to determining whether there is probable cause to believe that items seized will be found in the places to be searched and whether those items are evidence of the offenses identified in this affidavit.

### PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a search warrant for the SUBJECT PARCEL described below in paragraph 5, for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841 (a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843 (b) (Unlawful Use of a

Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance.)

#### PARCEL TO BE SEARCH

5. This affidavit is made in support of an application for a search warrant for United States Postal Service Express Mail Parcel # EG233271960US (the SUBJECT PARCEL). The SUBJECT PARCEL is a 11.875" x 3.375" x 13.625" USPS cardboard Express Mail box that weighs 1 lb 7.2 ounces. The parcel bears a handwritten label addressed to "Andre (last name illegible), 5303 Columbia Ave, Richmond, CA 94806" with a return address of "Liven Legends Shirts and Design, 1494 N. Executive Dr., Norfolk, VA 23669" The SUBJECT PARCEL was postmarked on June 4, 2013, and mailed from the Shorewood, WI, post office.

#### ITEMS TO BE SEIZED

6. The following are items to be seized from the SUBJECT PARCEL, which constitutes the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841 (a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843 (b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance):

- a. Any controlled substance; and
- b. Currency, money orders, bank checks, or similar monetary instruments in quantities over \$100.

#### INVESTIGATION OF THE SUBJECT PARCEL

7. I review express mail labels delivered to, and sent from, the Milwaukee area to/from source narcotic areas. I do this because I know based on my training and experience that drug traffickers will sometimes use express mail service, which is the USPS overnight/next day

delivery product. Drug traffickers use the express mail delivery services because of their speed, reliability, and the ability to track the article's progress to the intended delivery point.

8. I am aware that California is a source area for controlled substances. As such, controlled substances are frequently transported from California via the USPS, and the proceeds from the sale of the controlled substances are frequently returned to California via the USPS. These proceeds are generally in large amounts of money, over \$100.

9. I know from my experience and training that drug traffickers often use fictitious or incomplete names and/or addresses in an effort to conceal their identity from law enforcement officers when mailing narcotics. I researched Accurint, which is a public information database utilized by law enforcement that provides names, addresses, telephone numbers and other identifying information, Google, a commonly used internet search engine and USPS.com, to research the mailer and addressee information on the SUBJECT PARCEL. USPS.com indicated the return address 1494 N. Executive Dr., Norfolk, VA does not exist. Google shows no information for the business name "Liven Legends Shirts and Design" in Norfolk, VA, or anywhere else. Although the last name on the addressee portion is not legible it is four letters, with the second letter being an "a" and the last letter an "l". It appears to be "Carl," "Earl," or "Zaul." Accurint shows no one with the last name of "Carl," "Earl," or "Zaul," or any other four letter last name associated with 5303 Columbia Ave, Richmond, CA 94806. Accurint shows no one with the first name "Andre" associated with 5303 Columbia Ave, Richmond, CA 94806.

10. On June 4, 2013, I saw the SUBJECT PARCEL while reviewing outgoing Express Mail packages at the Milwaukee Post Office. I picked up the parcel described in paragraph 5 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service Office. On June 4, 2013, I met with Milwaukee

Police Detective Eugene S. Nagler and his canine, "Duke," are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually, with a recent recertification on June 6, 2012. The controlled substances they are certified in detecting include marijuana, heroin, meth and cocaine. Detective Nagler stated Duke has alerted over 600 times, including during training exercises, to the presence of controlled substances he is trained to detect. Duke's alerts have been the basis for more than 200 search warrants, and more than 200 searches of motor vehicles. In addition, according to Inspection Service records, Duke has successfully alerted to controlled substances on US Mail parcels and letters on 121 of 122 occasions since February of 2008. Detective Nagler informed me that Duke's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances.

11. On June 4, 2013, I placed the aforementioned parcel on the floor in the Milwaukee Post Office with five other similar parcels. Duke alerted on the parcel addressed from "Liven Legends Shirts and Design, 1494 N. Executive Dr., Norfolk, VA 23669" described in paragraph 5 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

12. I believe that based upon the evidence described above, there is probable cause to indicate that the contents of the SUBJECT PARCEL, addressed from "Liven Legends Shirts and Design, 1494 N. Executive Dr., Norfolk, VA 23669" is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841

(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843 (b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).